



# CITY OF DEL REY OAKS

650 CANYON DEL REY RD. • DEL REY OAKS, CALIFORNIA 93940  
PHONE (831) 394-8511 • FAX (831) 394-6421

July 3, 2013

## AGENDA

### REGULAR DEL REY OAKS PLANNING COMMISSION MEETING WEDNESDAY, JULY 10, 2013 AT 6:00 P.M. CHARLIE BENSON MEMORIAL HALL, CITY HALL

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA:

- A. Planning Commission Meeting Minutes, May 8, 2013

4. PUBLIC COMMENTS:

Anyone wishing to address the Commission on matters not appearing on the Agenda may do so now. The public may comment on any other matter listed on the Agenda at the time the matter is being considered by the Commission. *There will be a time limit of **not more than three minutes** for each speaker. No action will be taken by the Commission on matters brought up under this item and all comments will be referred to staff.*

5. REPORTS:

- A. Building Activity Report, June 2013

6. NEW BUSINESS:

*Discussion Item*

- A. Review Chapter 17.36.010 of The Del Rey Oaks Municipal Code, "the keeping of livestock within the City limits of Del Rey Oaks".

7. ANNOUNCEMENTS/COMMENTS BY PLANNING COMMISSIONERS
8. NEXT MEETING: Wednesday, August 14, 2013 at 6:00 P.M.
9. ADJOURNMENT

All enclosures and materials regarding this agenda are available for public review at Del Rey Oaks City Hall. Information distributed to the Planning Commission at the meeting becomes part of the public Record. A copy of written material, pictures, etc. should be provided to the Secretary for this purpose.

**REGULAR MONTHLY MEETING DEL REY OAKS PLANNING COMMISSION WEDNESDAY, MAY 8, 2013 AT 6:00 P.M. CHARLIE BENSON MEMORIAL HALL**

**Present:** Commissioner Green, Hayworth, Thayer, Lucido, and Chairman Jaksha

**Absent:** Commissioner Weir

**Also Present:** City Manager Dawson and Deputy City Clerk Minami

**CONSENT AGENDA:**

The Commission considered **ITEM 3.A.**, Planning Commission Meeting Minutes, March 2013.

*Motion by Commissioner Thayer to approve, seconded by Commissioner Hayworth*

*There were no public comments received*

*Motion passed 6-0*

**PUBLIC COMMENT:**

None

**BUILDING REPORT:**

The Commission accepted **ITEM 5.A.**, Building Activity Report April 2013

**Chairman Jaksha:** Bricks piled up on Angelus Way, staff will follow up?

**Deputy City Clerk Minami:** Yes.

**Commissioner Larson:** 110 Carlton is doing a driveway, did they have a permit?

**Deputy City Clerk Minami:** Yes.

**NEW BUSINESS:**

- A.     **Owner's Name:**                     AT&T, LW Rugg  
       **Applicant's Name:**                Same as above  
       **File Number:**                     ARC #13-07  
       **Site Location:**                    161 Calle Del Oaks  
       **Planning Area:**                    APN: 012-601-016  
       **Environmental Status:**            Categorically Exempt  
       **Project Description:**            Requesting Architectural Review to install an outdoor prefabricated, metal "shipping" container for recycling materials for weather protection and a cardboard baler/compactor. Container color to match adjacent AT&T buildings. *This item, if approved, will replace the previously approved item (at the same site location) from the March 13, 2013, Regular Planning Commission Meeting. The project was never started and the company decided to change the type of storage.*

**Keith, from Salas Obrien Engineers:** Companywide decision to change to storage unit.

**Commissioner Thayer:** Is it within lot line?

**Deputy City Clerk Minami:** Yes it is.

**Commissioner Lucido:** This is a different application or the same?

**Keith, from Salas Obrien Engineers:** Same location, same use but different structure.

**Commissioner Green:** What color are the slats in the fencing?

**Keith, from Salas Obrien Engineers:** Green, so it will blend with landscaping.

**Commissioner Green:** Likes the idea of container, canopy didn't make sense because of weather. Will the baler be the same as the last application?

**Keith, from Salas Obrien Engineers:** Yes

**Commissioner Hayworth:** Industrial look of the area is getting worse, but can't go back now.

**Commissioner Lucido:** Print is too small on plans. Asked about setbacks.

**PUBLIC COMMENT:**

*None*

*Motion by Commissioner Hayworth to approve ARC #13-07 , as presented, seconded by Commissioner Thayer.*

*There were no public comments received*

*Motion passed 5-1 (Commissioner Lucido)*

**OLD BUSINESS:** None

**ANNOUNCEMENTS/COMMENTS:**

**Commissioner Green:** The Acorn is BEAUTIFUL, what a great job!

**Deputy City Clerk Minami:** Since Kim did it, I will pass it on.

**Commissioner Hayworth:** Yes, it's very nice.

**Chairman Jaksha:** Thanks DROPD for tagging cars.

**NEXT MEETING:** Wednesday, June 12, 13 at 6:00 p.m.

**6:15p.m.** Meeting Adjourned

Approved:

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**CITY OF DEL REY OAKS  
BUILDING ACTIVITY REPORT  
April 2013**

PERMIT#	DATE	ADDRESS	NAME	PROJECT DESCRIPTION	TYPE	STATUS	LAST INSP.
B-12-14	04/11/12	912 Via Verde	Miller/Seats Home Improve.	R&R Kitchen and bath	R-1	Final	5/14/2013
B-12-16	04/23/12	1064 Via Verde	Rezal/Wilson's Plumbing	New furnace	R-1	Current	4/26/2013
B-12-19	05/10/12	1064 Via Verde	Rezal/Owner-Builder	Add windows	R-1	Current	4/26/2013
B-12-20	05/17/12	1064 Via Verde	Rezal/Burkleo Roofing	Re-Roof to garage & remodel	R-1	Current	4/26/2013
B-12-35	09/26/12	110 Carlton	Flores/Owner Builder	Remodel interior	R-1	Current	9/26/2012
B-12-37	10/09/12	13 Alta Circle	Abbanet/Owner-Builder	Add shower to bathroom	R-1	Final	6/28/2013
B-12-40	11/06/12	833 Portola Drive	PG&E/Diversified Comm.	Cell tower extension	C-1	Current	11/1/2012
B-12-43	12/12/12	110 Carlton	Flores/Owner- Builder	New window and patio	R-1	Current	12/12/2012
B-13-01	02/22/13	1024 Portola	Milam/Owner-Builder	Kitchen Remodel	R-1	Current	5/5/2013
B-13-03	02/01/13	1060 Rosita Rd	Heimer/Lang's Roofing	Re-Roof	R-1	Current	4/16/2013
B-13-05	02/25/13	27 Quendale	Gorman Realty/KR Construction	R&R Bathroom	R-1	Current	3/7/2013
B-13-06	03/27/13	42 Quendale	Grabe/Real Goods Solar	Solar panels	R-1	Final	5/15/2013
B-13-07	03/28/13	830 Altura	Canright/Winkleback	Retaining Wall	R-1	Final	6/28/2013
B-13-08	04/03/13	996 Paloma	Langland/Jim Young	R&R deck and new walkway	R-1	Final	5/21/2013
B-13-09	04/05/13	541 Pheasant Ridge	Minkirgasonra/Polmex	Kitchen Remodel	R-1	Current	4/5/2013
B-13-10	04/12/13	1004 Paloma	Aydatovic/Owner-Builder	walkway and patio	R-1	Final	5/21/2013
B-13-11	04/16/13	112 Quail Run Ct	Soulis/Jon Cochran	Kitchen Remodel	R-1	Current	4/16/2013
B-13-12	04/19/13	830 Rosita Rd	Oneill/Owner-Builder	New Window	R-1	Current	4/19/2013
B-13-14	05/03/13	908 Rosita Rd	Gordon/J.Matt McNickle	Foundation work	R-1	Current	5/3/2013
B-13-15	05/08/13	960 Portola	Pfau/Salinas Vly Roofing	Re-roof	R-1	Current	5/8/2013
B-13-16	06/14/13	141 Quail Run Ct	Banks/JCK Construction	Shower remodel	R-1	Final	6/28/2013
B-13-18	05/16/13	181 Calle Del Oaks	Tom Artellan Const/Uidras	ADA Bathroom	C-1	Final	6/28/2013
B-13-19	05/21/13	2999 Mtry/Slins Hwy	Top Notch Const/Tarpys	Trellis Installation	C-1	Final	6/28/2013
B-13-20	06/03/13	12 Greenock	Cayce/Knox Roofing	Re-roof	R-1	Final	6/25/2013
B-13-21	06/21/13	161 Calle Del Oaks	AT&T/Roebbelen Const.	New container/building	C-1	Current	6/21/2013
B-13-22	06/26/13	908 Via Verde	Burbrick/Sharp Const.	New panel, toilet and RR retaining wall	R-1	Current	6/26/2013

B. Kitchen or Cooking Facilities. Kitchen or cooking facilities shall be limited to convenience of "entertainment" appliances. No kitchenettes, stove tops, hot plates, convection ovens or separate cooking areas shall be permitted. Limited food preparation facilities shall be allowed as part of the all-suites concept proposed for and in this entertainment/food preparation area, located in the living room in conjunction with, and as part of, the entertainment center, shall include: stereo/radio, television, VCR, bar size sink, microwave and minibar which shall be included as part of the half-size under-counter refrigerator.

C. Parking. Parking shall be as required by Section 17.24.040, with fifty (50) percent reduction of parking required for auxiliary uses that primarily serve guests within the hotel. (Prior code § 11-205-B-6(4))

**17.32.060 Cessation of land use.**

No change of land use can occur in this district without specific authorization. (Prior code § 11-205-B-6(5))

**17.32.070 Use permits.**

Upon cessation of land use for a period of six months, the city council shall initiate proceedings to consider general plan and rezoning of the property as appropriate. (Prior code § 11-205-B-6(6))

**Chapter 17.36**

**GENERAL USE REGULATIONS**

**Sections:**

**17.36.010 General provisions and exceptions.**

**17.36.010 General provisions and exceptions.**

The regulations specified in this title shall be subject to the following general provisions and exceptions; provided, however, that any exception permitted hereunder shall be subject to the securing of a use permit:

**A. Uses.**

1. The following accessory uses, in addition to those hereinabove specified, shall be permitted in any R district, provided that such accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in such respective districts:

a. Renting of rooms and/or the providing of table board in a dwelling as an incidental use but not to the extent of constituting a rooming house or hotel unless permitted in such districts;

b. Accessory building not over twelve (12) feet in height upon the obtaining of a use permit in each case;

c. Accessory use normally a part of the operation of any use permitted in the district. This shall not be construed as permitting any commercial use in any R district.

2. No livestock, chickens, fowl of any nature, rabbits or similar animals may be kept in any R-1 district, unless use permit is obtained and then, provided, that no such

livestock shall be maintained closer than thirty (30) feet from any dwelling now existing or hereafter erected, and that such livestock shall be kept in a clean and sanitary manner.

3. In addition to any outdoor advertising signs or structures, permitted by this ordinance, outdoor advertising signs and structures not exceeding in the aggregate three square feet in area for each lot may be displayed for the purpose of advertising the sale or lease of any property upon which displayed, and outdoor advertising signs and structures other than those otherwise permitted may be displayed for the advertising of the sale of a subdivision.

4. No amusement park or center, circus, carnival, theater, race track or recreation center or similar use, shall be permitted in any district unless and until a use permit shall first have been secured for the establishment, maintenance and operation of such use.

#### B. Height.

1. In any district, public and semi-public buildings may be erected to a height exceeding that specified for the district providing all yards shall be increased by two feet for each story in excess of the specified limit.

2. In R-1 districts, dwellings may be increased in height not to exceed ten feet and to a total of not exceeding three stories when two side yards of width of not less than fifteen (15) feet each are provided.

3. Upon securing a use permit, any building in any C district may be erected to a height exceeding that herein specified for such district; provided, that the cubical

contents of the building shall not be increased beyond that possible for a building erected within the height limit hereinabove specified.

4. Subject to other provisions of law, towers, flag poles, gables, spires, penthouses, scenery lofts, monuments, chimneys, cupolas, water tanks and similar structures and necessary mechanical appurtenances may be built and used to a greater height than the limit established for the district in which the building is located; provided, that no exception shall cover any level above the height limit more than fifteen (15) percent in area of the lot and that no such structure shall be used for sleeping or eating quarters or for any commercial purpose other than such as may be incidental to the permitted uses of the main building.

#### C. Yards.

1. In computing the front yard dimensions, the measurement shall be taken from the nearest point of the front wall of the building to the street line, or if any official plan line has been established for the street, then to such official plan line; providing, that architectural features of the kind and not exceeding the limits stated shall not be considered in making such measurements, to-wit; cornices, canopies, eaves, or any similar architectural features may also extend into any side or rear yard the same distance that they are permitted to extend beyond any front wall, except that no porch, terrace, or outside stairway shall project more than three feet into any side yard and then, in the case of an outside stairway, only if the same is unroofed and enclosed above and below the steps thereof.

**Sec. 6-2. Fowl running at large prohibited.**

No chicken or other domestic fowl shall be allowed to run at large within the City.

**Sec. 6-3. Grazing, staking, etc., of animals in public places prohibited.**

No person shall cause any animal to be pastured, grazed, staked, tied or kept on any public street, alley or way, or on any public property, park, place or plaza in the City.

**Sec. 6-4. Restrictions on keeping of animals generally.**

No person shall keep any horse, cow, goat or sheep on private property within the City except in securely fenced areas, enclosures or corrals. No horses, cows, goats or sheep shall be kept in any such fenced area, enclosure or corral which is located within 75 feet of any other person's dwelling, or any structure used for residential purposes, and unless at least 2,500 square feet of area is provided in such fenced area, enclosure or corral per animal; provided that the Chief of Police and the health officer may issue one of the following permits:

(a) An annual permit for a calendar year, or portion thereof, when the fenced areas, enclosures, or corrals are located at least 50 feet from any other person's dwelling, or any structure used for residential purposes, and have at least 2,500 square feet in area for each animal, and all adult residents within 300 feet of such area, enclosure or corral consent, in writing, to the issuance of such permit.

(b) A temporary permit for not to exceed one week in any calendar month to permit such animals to be located in such fenced areas, enclosures or corrals, less than 75 feet but not less than 20 feet from another person's dwelling, or any structure used for residential purposes, upon satisfactory evidence being furnished to him that the granting of such permit will not adversely affect the peace, health, safety and general welfare of the immediate neighborhood.

**Sec. 6-5. Keeping of animals in connection with fairs.**

Notwithstanding the provisions of this Chapter or any other ordinance of the City controlling or regulating swine, cows, goats, sheep, horses or other animals customarily shown at fairs, the 7th District Agricultural Association, and persons exhibiting at the 7th District Agricultural Annual Fair, held in the City, may for a period from one week before to one week after such fair show animals on such 7th District's fairgrounds, subject to the rules and regulations of the 7th District Agricultural Fair Board.

**Sec. 6-6. Restrictions on keeping of domestic fowl.**

Any person keeping or maintaining any chicken or other domestic fowl within the City shall provide an enclosure of metal chicken wire, or other suitable material, of sufficient height and so constructed as to prevent the escape therefrom of any such fowl, and shall preserve such enclosure in good repair.

All chickens and other domestic fowl shall be kept and maintained securely in an enclosure as provided for in this Section.

**6.04.120 - Dogs or other animals running at large—Impoundment.**

It shall be the duty of the chief of police of the city, and such deputies as he/she may appoint for such purpose, or the agency designated to do so by a joint powers agreement entered into by the city under authority of the California Government Code, to seize and impound all dogs and other animals, whether licensed or unlicensed, found running at large within the meaning of Section 6.04.110.

*(Ord. 511 § 3(part), 1978: prior code § 8-810).*

**6.04.160 - Animals—Creating disturbing noises or unsanitary conditions—  
Destroying property.**

- A. It is unlawful to keep or harbor any dog, cat, or other animal or fowl, which by reason of its barking, howling, yelping or other noise, or which by reason of unsanitary conditions in connection with its keeping, habitually disturbs the peace of any person, is declared to be contrary to the public health, safety and welfare and to be a public nuisance. The nuisance may be abated by appropriate proceedings in any court of competent jurisdiction in the manner provided by law.
- B. It is unlawful for any person owning or having charge, care, control, or custody of any dog, cat, or other animal or fowl, to permit such animal to trespass on private or public property so as to damage or destroy any property or any thing of value.

*(Ord. 560 § 1, 1980: Ord. 539 § 2, 1979; Ord. 511 § 3(part), 1978: prior code § 8-817).*

ATTEST:  
/s/ HEIDI BURCH, City Clerk

**Exhibit "A"**  
**(Changes shown in bold and underline)**

**A. AMENDMENT OF SECTION 6.08.120.**

Section 6.08.120 entitled KEEPING OF SWINE AND BARNYARD FOWL shall become a permanent part of the Carmel-by-the-Sea Municipal Code which reads as follows:

It is unlawful, and is declared a nuisance, for any person or persons to keep or cause to be kept any swine or barnyard fowl, with the exception of chicken hens, within the corporate limits of the City.

**B. AMENDMENT OF SECTION 6.08.180.**

Section 6.08.180 entitled KEEPING OF HENS shall be amended and become a permanent part of the Carmel-by-the-Sea Municipal Code which reads as follows:

A maximum of two (2) chicken hens may be permitted per building site in the R-1 District only. All requests to keep chicken hens shall comply with the following requirements:

- a) No roosters are permitted;
- b) All chicken hens must be kept and secured within an enclosure of metal chicken wire, or other suitable material as to prevent the escape of any hens. The enclosure shall be maintained in good repair and no chicken hen shall be allowed to run at large on public or private property. Chicken hens may be permitted outside of an enclosure on the applicant's property only when attended;
- c) No enclosure shall exceed 20 square feet in size and five (5) feet in height above grade;
- d) The enclosure shall comply with all applicable R-1 standards as defined in CMC Section 17.10 and no commercial uses are permitted. Chicken enclosures shall not be visually prominent from the street;
- e) A Track 1 Design Study application shall be submitted to the Department of Community Planning and Building for approval of the location and design of the enclosure prior to installation. Upon receipt of an application, the City shall cause that a notice be provided by mail and by hand delivery to all properties within 100 feet of the site indicating that an application has been filed. A public hearing with the Planning Commission shall be required if a concern is filed in writing within 10 business days of the date the notice is delivered;
- f) Animal excretion shall not be permitted to accumulate 50 as to become offensive to any neighboring property;
- g) Slaughtering of chicken hens shall not be permitted within the City limits;
- h) The keeping of chicken hens shall not result in a public or private nuisance; and
- i) Failure to comply with any of these requirements may result in the revocation of the permit.

**Published JUNE 19, 2013**

**CITY OF CARMEL-BY-THE-SEA**

**CITY COUNCIL**

**ORDINANCE NO. 2013-2**

**ORDINANCE (2nd Reading) AMENDING AND MAKING PERMANENT SECTIONS 6.08.120 AND 6.08.180 OF THE CARMEL-BY-THE-SEA MUNICIPAL CODE**

WHEREAS, The City of Carmel-by-the-Sea is a unique community that prides itself in its community character; and

WHEREAS, the City has adopted a General Plan and Municipal Code that strive to protect the village character through clear policies and regulations; and

WHEREAS, on 5 April 2011 Sections 6.08 and 6.08.120 of the Carmel-by-the-Sea Municipal Code were amended to include chicken hens and to provide guidelines for the keeping of chicken hens in the R-1 District which amendments are due to expire on 30 June 2013; and

WHEREAS, the purpose of this Ordinance is to amend Sections 6.08.120 and 6.08.180 for the purpose of removing the expiration date of 30 June 2013 and making the amendments to those sections as adopted on 5 April 2011 permanent in the Carmel-by-the-Sea Municipal Code; and

WHEREAS, on 2 April 2013, the City Council adopted a first reading of an Ordinance amending Code Sections 6.08.120 and 6.08.180; and

WHEREAS, the proposed ordinance is categorically exempt from CEQA under 15305 Minor Alterations in Land Use Limitations and because application of the noise standards of 17.14.5.G as well as the required special and standard Use Permit finding would not result in a significant impact to the environment.

**NOW, THEREFORE, THE PEOPLE OF THE CITY OF CARMEL-BY-THE-SEA DO ORDAIN AS FOLLOWS:**

Adopt an ordinance amending Municipal Code Section 6.08 and 6.08.120 allowing for the keeping of chicken hens on properties in the R-1 District (See Exhibit "A").

Section 1. The People of Carmel-by-the-Sea find that all Recitals/Findings are true and correct and are incorporated herein by reference.

**Section 2. Severability**

A. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.

B. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

Section 3. Publication The City Clerk is directed to publish this Ordinance in the manner and in the time required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 7th day of May, 2013 by the following roll call vote:

AYES: COUNCIL MEMBERS: BEACH, HILLYARD, TALMAGE & BURNETT

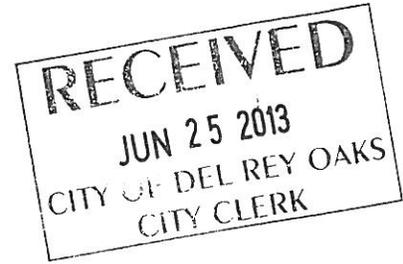
NOES: COUNCIL MEMBERS: THEIS

ABSTAIN: COUNCIL MEMBERS: NONE

APPROVED,  
/s/ JASON BURNETT, Mayor

Andrew Clarke  
926 Angelus Way  
Del Rey Oaks, CA 93940

Mayor and City Council Members  
City of Del Rey Oaks  
650 Canyon Del Rey Road  
Del Rey Oaks, CA 93940



June 25, 2013

Dear Mayor and City Council members,

I saw that there is discussion item 6.D on tonight's (June 25, 2013) City Council Agenda regarding "Discussion of Potential Chicken Coop Ordinance" and I would like to share some comments with you regarding this item. I would like to state my support for changing the current city regulation 17.36.010 stating:

*No livestock, chickens, fowl of any nature, rabbits or similar animals may be kept in any R-1 district unless use permit is obtained and then, provided, that no such livestock shall be maintained closer than thirty (30) feet from any dwelling now existing or hereafter erected, and that such livestock shall be kept in a clean and sanitary manner.*

To my knowledge, only one use permit has been issued in recent times regarding this regulation. I support the allowance of small livestock (chickens, fowl, rabbits, etc.) with minimal regulation, possibly an over-the-counter permit with some restrictions on the number of each that a resident could have. For larger livestock (goats, pigs, sheep, horses, etc.), I would think that regulation requiring further review should be necessary. In all cases, the animals shall be kept in a sanitary and health manner with as minimal disturbance to the neighborhood. I am sure that there are other ordinances that can be referenced to assist with the implementation of any new regulations the council may contemplate.

I believe strongly that raising animals in a healthy environment helps our children learn about our food and where it comes from. It also provides them with an opportunity to raise and care for something. Both of my children are in 4-H and would like to raise rabbits to show at the county fair and possibly raise other animals in the future. As the regulations currently are written, I was told that we would not be able to do this at our home, regardless of obtaining a use permit due to our lot size even though we have one of the larger lot in the city. It appears that only the residents in the Carlton estates would be able to have any livestock, and then only after a use permit had been obtained. I am sure that there are a number of other residents throughout the city that would enjoy the option to have a couple of hens to provide fresh eggs for their family, friends and neighbors. I hope that the discussion, as well as any future ordinances, address not just chickens but all common livestock.

Thank you for taking the time to hear my comments and should you have any questions please feel free to contact me.

Sincerely,

Andrew Clarke